

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

In re: HORACIO A. BONILLA  
ROSA L. BONILLA

CASE NO.: 11-10469-RGM  
CHAPTER 7

Debtor,

ASSET MANAGEMENT WEST 13, LLC and  
ADVANTAGE PROPERTY VENTURES I, LLC,

Plaintiff,

v.

HORACIO A. BONILLA  
ROSA L. BONILLA  
ROBERT OGDEN TYLER, TRUSTEE

Defendants.

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

NOW COMES Asset Management West 13, LLC and Advantage Property Ventures I, LLC (“Asset Management”), by counsel, and moves the Court for relief from the automatic stay pursuant to 11 U.S.C. Section 362, by reason of the following:

1. The Debtors filed for relief pursuant to Chapter 7 on January 21, 2011.
2. Robert Ogden Tyler was appointed Chapter 7 Trustee.
3. Asset Management is a creditor of the Debtors pursuant to an Assignment of a Note dated April 21, 2004 in the original sum of \$500,000.00 (“Note”). A copy of the Note is attached as **Exhibit A** and a copy of the Assignment is attached as **Exhibit B**.
4. The Note is secured by a Deed of Trust on the Debtors’ real property located at 13630 Van Doren Road, Manassas, VA 20112 (“Property”), which property is more particularly described as:

Lot 2, BEAVERS LANDING, as shown on a plat prepared by Odyssey Associates, Inc., dated November 16, 2001 entitled “Record plat Beavers Landing Coles Magisterial District Prince William County, Virginia” said plat being attached to Deed of Subdivision, Dedication and Easement recorded at Instrument

#200210160134008 (Plat at #200210160134009). A copy of the Deed of Trust is attached as **Exhibit C**.

5. Pursuant to the Note the Debtors are required to pay Asset Management monthly payments.

6. The Debtors-Defendants are 16 payments delinquent in their payments to Asset Management in the amount of \$51,707.52, plus late fees of \$2,185.18, plus taxes, insurance, and foreclosure fees of \$10,596.57.

7. There is an outstanding balance due on said obligation of approximately \$492,542.55 as of the date of filing, plus interest and attorney fees and costs.

8. The debtors-defendants' Statement of Intention provides for the surrender of the Property.

9. The Property is not necessary for an effective reorganization.

10. By reason of the foregoing, Asset Management's interest is not being adequately protected.

11. Cause exists to grant Asset Management relief from the automatic stay.

WHEREFORE, Asset Management West 13, LLC and Advantage Property Ventures I, LLC moves the Court for relief from the automatic stay pursuant to 11 U.S.C., Section 362, that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001 (a)(3) of the Bankruptcy Rules be waived and for its fees and costs expended herein.

ASSET MANAGEMENT WEST 13, LLC and  
ADVANTAGE PROPERTY VENTURES I, LLC

By: /s/ Steven L. Brown  
Of Counsel

**NOTICE:** All parties served with a copy of this Motion shall have fourteen (14) days from the date of service in which to file with the Court a written response and provide same to the movant in this action.

**NOTICE OF MOTION AND HEARING**

**Asset Management West 13, LLC** has filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before **February 23, 2011**, you or your attorney must:

- ☒ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
200 South Washington Street,  
Alexandria, VA 22314

You must also mail a copy to:

Steven L. Brown, Esquire  
Convergence Center IV  
301 Bendix Road, Suite 500  
Virginia Beach, VA 23452

Alisa Lachow-Thurston, Esquire  
1950 Old Gallows Road  
Vienna, VA 22182

Robert Ogden Tyler, Trustee  
300 North Washington Street, Suite 202  
Alexandria, VA 22314

- ☒ **Attend the preliminary hearing scheduled to be held on March 2, 2011 at 9:30 a.m. at United States Bankruptcy Court, Judge Robert G. Mayer's Courtroom, 200 South Washington Street, Courtroom III, Alexandria, Virginia.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 4, 2011

/s/ Steven L. Brown

Steven L. Brown, Esquire  
Convergence Center IV  
301 Bendix Road, Suite 500  
Virginia Beach, VA 23452  
(757) 497-6633  
VSB No. 18636  
Counsel for Asset Management West 13, LLC

CERTIFICATION OF SERVICE

I hereby certify that on the 4<sup>th</sup> day of February, 2011, a true copy of the foregoing Motion for Relief from the Automatic Stay and Notice of Motion and Hearing was mailed or electronically transmitted to Alisa Lachow-Thurston, Esquire, counsel for attorneys, 1950 Old Gallows Road, Vienna, VA 22182; Robert Ogden Tayler, Trustee, 300 North Washington Street, Suite 202, Alexandria, VA 22314; and to the debtors, 13630 Van Doren Road, Manassas, VA 20112.

/s/ Steven L. Brown